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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/542,274

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Norbert Rolland

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EXAMINER

LUONG, VINH

ART UNIT

PAPER NUMBER

3656

NOTIFICATION DATE

DELIVERY MODE

06/15/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary	Application No. 10/542,274	Applicant(s) ROLLAND, NORBERT	
	Examiner Vinh T. Luong	Art Unit 3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) 3, 15 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-12, 16, 17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/17/20; 7/15/05; 10/19/09 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The amendment filed on March 17, 2010 has been entered.
2. Applicant's election of the species of FIG. 7 in the reply filed on October 19, 2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
3. Claims 3, 15, and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 19, 2009.
4. The drawings were received on March 17, 2010. These drawings are not accepted by the Examiner because of the drawings are not in compliance with 37 CFR 1.84 as required by 37 CFR 1.121(d). Please see Form PTO-948 attached.
5. The drawings are objected to because of the reasons, *e.g.*, listed below:
 - (a) The drawings are not in compliance with 37 CFR 1.84. See Form PTO-948 attached in this Office action and the Office actions on August 17, 2009 and December 18, 2009; and
 - (b) Each part of the invention, such as, the elastic return member in claim 1; and the cog and the immobilizers in claims 9 and 10 should be designated by a reference character. Please see MPEP 608.01(o) and (g).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure

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must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed features, such as, the elastic return member in claim 1 and the cog in claims 9 and 10 must be shown or the features canceled from the claims. No new matter should be entered.

7. The disclosure is objected to because of the informalities, *e.g.*, each part of the invention, such as, the elastic return member in claim 1; and the cog and the immobilizers in claims 9 and 10 should be designated by a reference character. See MPEP 608.01(o) and (g). Appropriate correction is required.

8. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter, such as, "immobilizers" in claim 9. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction is required.

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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10. Claims 1, 2, 4-12, 16, 17, 19, and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Amended claim 1 recites: “a single rotating grip of gearshifts connected respectively to *an elastic return member*.” (Emphasis added). However, the specification inadequately describes and the drawings do not show, *inter alia*, the elastic return member and how the grip 2 is connected to the elastic return member. It is unclear as to how Applicant made/used the gearshifts 5 and 6 as claimed.

Amended claim 9 recites: “said drum being configured to return in an opposite direction.” However, the specification inadequately describes and the drawings do not show, *inter alia*, how the drum 8A (FIG. 1) can be returned in an opposite direction. It is unclear as to how Applicant made/used the drum as claimed.

Amended claim 11 recites “said winch being configured to return to any of the angular positions.” However, the specification inadequately describes and the drawings do not show, *e.g.*, how the winch 7A shown in FIG. 7 (or FIGS. 2 and 3) can be returned to any of the angular positions. It is unclear as to how Applicant made/used the winch as claimed.

11. Claims 1, 2, 4-12, 16, 17, 19, and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.

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12. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Wesling et al. (cable 22 in FIG. 7), Chen (immobilizer 24 in FIG. 4), and Yamane (immobilizer 16, 17).

14. Applicant's arguments filed March 17, 2010 have been fully considered but they are not persuasive.

DRAWINGS

The replacement drawings are not accepted for the reasons set forth above. Please note that MPEP 608.01(b) states:

The Office no longer considers drawings as formal or informal. Drawings are either acceptable or not acceptable. Drawings will be accepted by the Office of ~~**>~~Patent Application Processing (OPAP)< if the drawings are readable and reproducible for publication purposes. See MPEP § 507. *Examiners should review the drawings for disclosure of the claimed invention and for proper use of reference numerals.* Unless applicant is otherwise notified in an Office action, objections to the drawings in a utility or plant application will not be held in abeyance. A request to hold objections to the drawings in abeyance will not be considered a bona fide attempt to advance the application to final action (37 CFR 1.135(c)). *Drawing corrections should be made promptly before allowance of the application in order to avoid delays in issuance of the application as a patent or a reduction to any term adjustment.* See 37 CFR 1.704(c)(10). (Emphasis added).

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For examples of proper formal drawings, please see the “Guide for the Preparation of Patent Drawings” available from the USPTO web site at www.uspto.gov.

35 USC 112, ¶¶ 1st & 2nd

The previous rejections are withdrawn in view of Applicant’s amendments to the claims. However, the amendments necessitate new ground of rejection as seen above.

35 USC 102

Applicant’s arguments (Amendment, pp. 17-19) with respect to Savard (US 5,970,816) and Prajczar (WO 98/36960) have been fully considered and are persuasive. The art rejection has been withdrawn.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vinh T Luong/
Primary Examiner, Art Unit 3656